

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

DONALD and MARY THORNTON,

PLAINTIFFS,

VS.

**ROLLIN VAUGHN SOWARDS; and
PROGRESSIVE INSURANCE CO.,**

CASE NO.: 2:06-CV-1072-MHT

MOTION TO AMEND

COMES NOW the Plaintiffs, Donald and Mary Thornton and moves the Court for an Order allowing them to amend the presently filed action as follows:

1. To allow an additional cause of action for Plaintiff Mary Thornton for personal body injury.
2. Defense counsel is aware of said claim due to settlement negotiations.
3. Plaintiff's counsel raised this issue with Defense counsel weeks before the deadline of October 29, ²⁰⁰⁷; however, Defense counsel has acknowledged the viability of said claim but said issue is not resolved.
4. Plaintiff's counsel acknowledges that the deadline was October 29, 2007 but through omission missed the date in the Court's Order of September 4th, 2007.
5. To allow said Motion would serve the ends of Justice and prejudice no parties.

WHEREFORE, based on the foregoing movant asks permission for the Court to file said Amended Complaint.

Respectfully submitted,

s/William B. Alverson, Jr.

William B. Alverson, Jr.

Bar Number ASB-1162-A60W

Attorneys for Plaintiffs
ALBRITTONS, CLIFTON, ALVERSON,
MOODY & BOWDEN
Post Office Drawer 880
109 Opp Avenue
Andalusia, Alabama 36420
Telephone: (334) 222-3177
Facsimile No.: (334) 222-2696
wbajr@albrittons.com

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/EDF System which will send notification of such filing to the following attorneys:

Mr. Alex L. Holtsford, Jr.
NIX, HOTSFORD, GILLILAND,
HIGGINS & HITSON, P.C.
Post Office Box 4128
Montgomery, Alabama 36103-4128

Mr. Richard E. Crum
COBB, SHEALY, CRUM,
DERRICK & PIKE, P.A.
Post Office Box 6346
Dothan, Alabama 36302-6346

s/William B. Alverson, Jr.
William B. Alverson, Jr.